

## Message Text

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TO SECSTATE WASHDC 8050

C O N F I D E N T I A L SANTIAGO 1726

EXDIS

EO 11652: GDS

TAGS: CI, PFOR, PFIN

SUBJECT: HUMAN RIGHTS: COMMENT ON CONVERSATION BETWEEN  
SECRETARY SHULTZ AND PRESIDENT PINOCHET

REF: SANTIAGO 1687

1. SECRETARY SHULTZ GAVE US MOST HELPFUL ASSIST IN OUR EFFORTS TO CARRY OUT DEPARTMENT'S INSTRUCTIONS IN STATE 64524 AND STATE 62450. FROM MENTION OF HUMAN RIGHTS ISSUE IN GENERAL PINOCHET'S SPEECH TO INTER-AMERICAN DEVELOPMENT BANK DELEGATES APRIL 1 (SEPTTEL), AND FROM INTRODUCTION OF SUBJECT INTO SHULTZ-PINOCHET CONVERSATION BY THE GENERAL AT THE OUTSET, WE DEDUCE THAT JUNTA MAY HAVE BECOME AWARE OF HARMFUL POTENTIAL OF WIDESPREAD US AND OTHER FOREIGN CRITICISM RE TRIALS, ETC. SECRETARY SHULTZ'S REMARKS, KEYED TO REACTIONS OF VISITING US CONGRESSIONAL DELEGATION, SEEMED PERFECTLY IN POINT AND WERE ACCEPTED BY GENERAL PINOCHET WITH VERY GOOD GRACE.

2. PINOCHET'S STATEMENT THAT TRIALS WILL BEGIN IN APRIL IS SIGNIFICANT. IT MAY MEAN THAT TRIALS WILL BE GOING ON AT MOMENT WHEN FOREIGN AID HEARINGS, WHICH WE UNDERSTAND ARE NOW SCHEDULED TO BEGIN APRIL 22, ARE UNDER WAY. THIS COULD HAVE UNFORTUNATE SHORT-TERM RESULTS, BUT I QUESTION WHETHER WE CAN BE PUT IN POSITION OF ADVISING CHILEANS RE TIMING OF THEIR JUDICIAL PROCEEDINGS. WE CAN LEGITIMATELY CONTINUE TO URGE UPON THEM THE UTILITY OF AFFORDING AS FAR AS POSSIBLE  
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GENERALLY ACCEPTABLE PROCEDURAL SAFEGUARDS TO THE ACCUSED,

SUCH AS ADEQUATE TIME FOR DEFENSE COUNSEL TO PREPARE CASES, PUBLIC TRIALS WHERE POSSIBLE, AND RIGHT OF APPEAL.

3. IN THIS REGARD, CHILEANS MAKE MUCH OF ASSERTION THAT TRIALS WILL BE CONDUCTED STRICTLY IN ACCORDANCE WITH CHILEAN LAW. THIS IS TRUE, BUT PROBLEM IS THAT AS JUNTA PROLONGS, MONTH AFTER MONTH, LEGAL STATE OF WAR FOR WHICH CHILE'S CONSTITUTION PROVIDES, IT BECOME INCREASINGLY DIFFICULT TO JUSTIFY UNDER THIS PROVISION LENGTHY DETENTION OF PRISONERS IN DISTANT CAMPS WITHOUT CHARGES, AND SUBJECT TO DISABILITIES INDICATED ABOVE. PUBLIC RELATIONS PROBLEM IS THUS NOT ONE OF LEGALITY OF TRIALS FROM CHILEAN DOMESTIC STANDPOINT, BUT OF LEGITIMACY OF CHILEAN CONSTITUTIONAL PROVISIONS AS INTERPRETED BY JUNTA, IN LIGHT OF BROADLY ACCEPTED HUMAN RIGHTS STANDARDS.

4. IN MAKING THEIR JUDGMENTS ON THIS MATTER, OUTSIDERS ARE PRONE TO DISREGARD SENSE OF DANGER FROM INTERNATIONALLY SUPPORTED LEFTIST CONSPIRATORS IN THIS COUNTRY, WHICH JUNTA DEEPLY FEELS. IN ONE RESPECT, ONE OF PROBLEM IS THAT JUNTA'S MEASURES APPEAR TO GO BEYOND WHAT IS REASONABLY NECESSARY FOR INTERNAL SECURITY PURPOSES. HOWEVER, IT MUST BE RECOGNIZED THAT EVEN IF JUNTA MODERATES ITS IRON-HANDED TREATMENT OF OFFENDERS, THERE WILL STILL REMAIN A TENDENCY, SPARKED FROM THE LEFT, TO CRITICIZE ANY SPECIAL SECURITY MEASURES AT ALL AS UNJUSTIFIED.

5. PINOCHET'S REFERENCE TO LETTER FROM EX-AMBASSADOR TO US ORLANDO LETELIER IS WEAK BASIS FOR CHILEAN POSITION. AS INDICATED SEPTEL, LETTER DISCUSSES WHAT RESEMBLES "GUN NUT" TRANSACTION RATHER THAN SUBVERSIVE ARMS SHIPMENT.

6. I WILL BE SEEING FOREIGN MINISTER HUERTA APRIL 4 AND PLAN TO RAISE SUBJECT OF TRIALS WITH HIM. DEPENDING ON RESULTS, MAY ALSO REFER TO IT IN MEETING WITH JUNTA MEMBER ADMIRAL MERINO I AM ARRANGING EARLY NEXT WEEK.  
POPPER

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